

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

ERIN L. BUTLER

PLAINTIFF

VS.

CASE NO. 4:13CV00694 JLH/HDY

**CAROLYN A. COLVIN, Acting Commissioner,
Social Security Administration**

DEFENDANT

PROPOSED FINDINGS AND RECOMMENDATIONS

INSTRUCTIONS

The following recommended disposition has been sent to United States District Court Judge J. Leon Holmes. Any party may serve and file written objections to this recommendation. Objections should be specific and should include the factual or legal basis for the objection. If the objection is to a factual finding, specifically identify that finding and the evidence that supports your objection. An original and one copy of your objections must be received in the office of the United States District Court Clerk no later than fourteen (14) days from the date of the findings and recommendations. The copy will be furnished to the opposing party. Failure to file timely objections may result in waiver of the right to appeal questions of fact.

If you are objecting to the recommendation and also desire to submit new, different, or additional evidence, and to have a hearing for this purpose before the District Judge, you must, at the same time that you file your written objections, include the following:

1. Why the record made before the Magistrate Judge is inadequate.

2. Why the evidence proffered at the hearing before the District Judge (if such a hearing is granted) was not offered at the hearing before the Magistrate Judge.
3. The detail of any testimony desired to be introduced at the hearing before the District Judge in the form of an offer of proof, and a copy, or the original, of any documentary or other non-testimonial evidence desired to be introduced at the hearing before the District Judge.

From this submission, the District Judge will determine the necessity for an additional evidentiary hearing, either before the Magistrate Judge or before the District Judge.

Mail your objections and “Statement of Necessity” to:

Clerk, United States District Court
Eastern District of Arkansas
600 West Capitol Avenue, Suite A149
Little Rock, AR 72201-3325

DISPOSITION

The plaintiff filed a *pro se* complaint initiating this case on December 4, 2013. On June 25, 2014, the Court entered a scheduling order directing the plaintiff to file her brief by August 5, 2014. No response was received to this scheduling order. On October 20, 2014, the Court entered an additional Order, directing the plaintiff to submit her brief on or before November 7, 2014. The Court also noted in the October 20 Order, “Failure to communicate with the Court and/or comply with this Order may result in dismissal of the case.” The plaintiff has not filed her brief or otherwise responded to the Court Orders of June 25 or October 20.

Based upon the plaintiff’s failure to respond to the Court’s Orders and upon Local Rule 5.5(c)(2), we recommend the complaint be dismissed.

IT IS SO ORDERED this 5 day of January, 2015.

A handwritten signature in black ink, appearing to read "H. J. Jones", with a long horizontal flourish extending to the right.

UNITED STATES MAGISTRATE JUDGE